

**COMBINED DECLARATION  
AND POWER OF ATTORNEY**

**(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**NOVEL *ESCHERICHIA COLI* HAVING ACCESSION NO PTA 1579 AND ITS USE TO PRODUCE  
POLYHYDROXYBUTYRATE**

This declaration is of the following type:

- original
- design
- national stage of PCT
- divisional
- continuation
- continuation-in-part (C-I-P)

the specification of which: (*complete (a), (b), or (c)*)

- (a) [ ] is attached hereto.
- (b) [X] was filed on January 29, 2001 as Application Serial No. 09/772,304 and was amended on *(if applicable)*.
- (c) [ ] was described and claimed in PCT International Application No. filed on and was amended on *(if applicable)*.

**Acknowledgement of Review of Papers and Duty of Candor**

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

[ ] In compliance with this duty there is attached an information disclosure statement. 37 CFR 1.98.

**Priority Claim**

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

*(complete (d) or (e))*

- (d) [X] no such applications have been filed.
- (e) [ ] such applications have been filed as follows:

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			
COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

### Claim for Benefit of Prior U.S. Provisional Application(s)

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

### Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120

*(complete this part only if this is a divisional, continuation or C-I-P application)*

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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### Power of Attorney

As a named inventor, I hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hone, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Nesbitt, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Bradley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Murnane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Robert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439; Rochelle K. Seide Reg. No. 32,300; Gary M. Butter, Reg. No. 33,841; Marta E. Delsignore, Reg. No. 32,689; and Lisa B. Kole, Reg. No. 35,225 of the firm of BAKER BOTTS L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith

SEND CORRESPONDENCE TO: BAKER BOTTS L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 CUSTOMER NUMBER: 21003	DIRECT TELEPHONE CALLS TO: BAKER BOTTS L.L.P. (212) 705-5000
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge

that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	LAST NAME MAHISHI	FIRST NAME L.H.	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY MAHARASHTRA	STATE or FOREIGN COUNTRY INDIA	COUNTRY OF CITIZENSHIP INDIA	
POST OFFICE ADDRESS	POST OFFICE ADDRESS National Chemical Laboratory, Pune	CITY Maharashtra	STATE or COUNTRY INDIA	ZIP CODE 411 008
DATE MARCH 23, 2001	SIGNATURE OF INVENTOR X <i>L.Mahishi</i>			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	LAST NAME TRIPATHI	FIRST NAME G.	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY MAHARASHTRA	STATE or FOREIGN COUNTRY INDIA	COUNTRY OF CITIZENSHIP INDIA	
POST OFFICE ADDRESS	POST OFFICE ADDRESS National Chemical Laboratory, Pune	CITY Maharashtra	STATE or COUNTRY INDIA	ZIP CODE 411 008
DATE MARCH 24, 2001	SIGNATURE OF INVENTOR X <i>S.Tripathi</i>			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	LAST NAME RAMCHANDER	FIRST NAME T.V.N.	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY MAHARASHTRA	STATE or FOREIGN COUNTRY INDIA	COUNTRY OF CITIZENSHIP INDIA	
POST OFFICE ADDRESS	POST OFFICE ADDRESS National Chemical Laboratory, Pune	CITY Maharashtra	STATE or COUNTRY INDIA	ZIP CODE 411 008
DATE MARCH 23, 2001	SIGNATURE OF INVENTOR X <i>A.Ramchander</i>			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	LAST NAME RAWAL	FIRST NAME SHUBAN	MIDDLE NAME KISHEN	
RESIDENCE & CITIZENSHIP	CITY MAHARASHTRA	STATE or FOREIGN COUNTRY INDIA	COUNTRY OF CITIZENSHIP INDIA	
POST OFFICE ADDRESS	POST OFFICE ADDRESS National Chemical Laboratory, Pune	CITY Maharashtra	STATE or COUNTRY INDIA	ZIP CODE 411 008
DATE MARCH 23, 2001	SIGNATURE OF INVENTOR X <i>S.K.Rawal</i>			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	

POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			
FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME	
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY	ZIP CODE
DATE	SIGNATURE OF INVENTOR			

Check proper box(es) for any added page(s) forming a part of this declaration

- Signature for ninth and subsequent joint inventors. Number of pages added \_\_\_\_\_.
- Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_\_.
- Signature for inventor who refuses to sign, or cannot be reached, by person authorized under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mahishi et al.

Serial No. : To Be Assigned Examiner : To Be Assigned.

Filed : November 19, 2003 Group Art Unit: To Be Assigned

For : NOVEL ESCHERICHIA COLI HAVING ACCESSION NO PTA 1579  
AND ITS USE TO PRODUCE POLYHYDROXYBUTYRATE

DECLARATION OF BIOLOGICAL DEPOSIT

November 19, 2003

**Express Mail No. ER 589236644 US**

Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

**Mail Stop Patent Application**

Dear Sir:

Pursuant to 37 C.F.R. §1.802 and the Manual of Patent Examination Procedure §2404.01,  
Applicants submit herewith a copy of a Receipt in the Case of an Original Deposit Issued  
Pursuant to Rule 7.3 and Viability Statement Issued Pursuant to Rule 10.2, issued by the ATCC  
on April 25, 2000, for the deposit of a microorganism disclosed in the above-identified  
application.

The microorganism deposited pursuant to the Budapest Treaty on March 28, 2000,  
*Escherichia coli* Sa240, has been assigned Patent Deposit Designation No. PTA-1579 by the  
ATCC, whose mailing address is 10801 University Blvd. Manassas, VA 20110-2209. The  
deposited was made by Dr. Shuban Kishen Rawal, one of the inventors of the above-identified  
application.

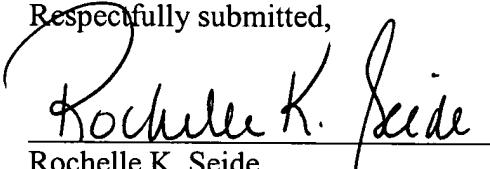
*Escherichia coli* Sa240 is *Escherichia coli* JM109 harboring pGEM-3Z plasmid vector wherein a 6.0Kb sa3AI genomic DNA fragment from *Streptomyces aurefaciens* (ATCC 10762) has been cloned. *Escherichia coli* Sa240 (Patent Deposit Designation No. PTA-1579) is known and will be readily available to the public once a patent on the invention issues.

To satisfy deposit requirements, any restrictions currently imposed by the depositor on the availability to the public of the deposited material may be removed upon grant of a U.S. patent or instruction to the ATCC by the United States Patent Office.

Submission of this letter and the accompanying certificate should not be construed as an admission by Applicants of Attorneys for Applicants that a biological deposit is necessary to satisfy the requirements of 35 U.S.C. §112.

Date: November 19, 2003

Respectfully submitted,

  
Rochelle K. Seide

PTO Reg. No. 32,300

Attorney for Applicants  
BAKER BOTTS, L.L.P.  
30 Rockefeller Plaza  
New York, NY 10112  
(212) 408-2626

# ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

National Chemical Laboratory  
Attn: Dr. Shuban Kishen Rawal  
Plant Tissue Culture Division  
Pune 411008  
India

Deposited on Behalf of: National Chemical Laboratory

Identification Reference by Depositor:

*Streptomyces lividans* harbouring plasmid pCAB218 into which an approximate 6.0 Kb EcoRI-smal DNA fragment from *Ralstonia eutropha* H16 has been cloned: *Streptomyces lividans* CAB218.

Patent Deposit Designation  
PTA-1578

*Escherichia coli* harbouring pGEM-3Z plasmid vector wherein a 6.0 Kb sa3AI genomic DNA fragment from *streptomyces aureofaciens* (ATCC 10762) has been cloned: *Escherichia coli* Sa240.

PTA-1579

The deposits were accompanied by:        a scientific description        a proposed taxonomic description indicated above. The deposits were received March 28, 2000 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 17, 2000. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Barbara E. Coupé  
Barbara E. Coupé, Administrator, Patent Depository

Date: April 25, 2000

cc: